

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JAVIER VALENCIA-HERNANDEZ,  
Defendant.  
Case No. CR95-0024-MJP-JPD  
SUMMARY REPORT OF U.S.  
MAGISTRATE JUDGE AS TO  
ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release in this case was scheduled before the undersigned Magistrate Judge on November 3, 2006. The United States was represented by Assistant United States Attorney Ye-Ting Woo, and the defendant by Mr. William Hines. The proceedings were recorded on cassette tape.

The defendant had been charged and convicted of Conspiracy to Distribute Methamphetamine and Possession of Methamphetamine with Intent to Distribute. On or about October 30, 1995, defendant was sentenced by the Honorable William L. Dwyer to 120 months in custody to be followed by eight (8) years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed, but not limited to, were participation in a substance-abuse treatment program, consenting to drug testing, consenting to search, financial disclosure, and if deported, not to re-enter the United States without permission of the Attorney General or her

REPORT AND RECOMMENDATION OF  
U.S. MAGISTRATE JUDGE AS TO ALLEGED  
VIOLATIONS OF SUPERVISED RELEASE  
PAGE 1

01 authorized representative.

02 In a Petition for Warrant or Summons and a Violation Report and Request For  
03 Warrant both dated May 30, 2006, U.S. Probation Officer Todd A. Sanders asserted the  
04 following violations by defendant of the conditions of his supervised release:

05 (1) Re-entering the United States without permission of the Bureau of  
06 Immigration and Customs Enforcement on or before May 8, 2006, after having been  
07 deported on September 23, 2003, in violation of the special condition of supervised release  
08 and the standard condition that he not commit another federal, state, or local crime.

09        The defendant was advised of the allegations and his rights. He admitted to the  
10 allegations.

11 I therefore recommend that the Court find the defendant to have violated the terms  
12 and conditions of his supervised release as to violation 1, and that the Court conduct a  
13 hearing limited to disposition. A disposition hearing on this violation will be set before the  
14 Honorable Marsha J. Pechman at a date to be determined.

15 Pending a final determination by the Court, the defendant has been detained.

16 DATED this 6th day of November, 2006.

James P. Donohue  
JAMES P. DONOHUE  
United States Magistrate Judge

21 cc: District Judge: Honorable Marsha J. Pechman  
AUSA: Ms. Ye-Ting Woo  
22 Defendant's attorney: Mr. Harvey Steinberg  
Probation officer: Mr. Todd Sanders